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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,557	10/23/2003	Philip Berardi	I008-P03169US	5888

33356 7590 03/24/2005

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/692,557

Applicant(s)

BERARDI, PHILIP

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 16-26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 and 16-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 23-26, 28-30 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This is the third office action for application number 10/692,557, Support Extension for Stage Apparatus, filed October 23, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2005 has been entered.

*Election/Restrictions*

Claims 37-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

*Claim Objections*

Claim 34 is objected to because of the following informalities:

In line 3, "support" should be --a support--.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the means for accepting" in line 3. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

Claims 1, 2, 6-8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent number 6,543,974 to Floe.

Floe '974 discloses a mounting system (figure 6) comprising a support extension (160, generally) comprising a connection receiving means (164), coupling means including fastening means (166, generally) and being activated when the support extension is rotated, and equipment comprising a screen (inherently something is tied to the tie-down feature 164, and a "screen" is defined in Merriam Webster's Collegiate Dictionary - 10<sup>th</sup> Edition as "something that shelters, protects or hides," so clearly, anything tied to the tie down feature 164 would accomplish such functions) connected to the connection receiving means, wherein the support extension inherently "fully" supports the screen, wherein the connection receiving means is elongate and has a round cross section, wherein the support extension includes means for receiving a wrench (172, this could receive a wrench) so as to grasp some accepting means, wherein the support extension includes an engaging means (bottom of 162), wherein the fastening means is rotationally activated, wherein the fastening means comprises aligning means (178) that is rotationally activated.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,222,107 to Lo.

Lo '107 discloses a mounting system (figure 2) comprising a support extension (40,60,70 generally) comprising a connection receiving means (40), coupling means including fastening means comprising a butterfly bolt (70, generally), and equipment comprising a screen (30, "screen" is defined in Merriam Webster's Collegiate Dictionary - 10<sup>th</sup> Edition as "something that shelters, protects or hides," so clearly, 30 is a screen) connected to the connection receiving means, wherein the support extension inherently "fully" supports the screen.

Claims 23-25, 28-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,602,756 to Chatfield.

Chatfield '756 discloses a mounting system (figures 5-6) comprising a support pin comprising a generally cylindrical pin body (30,40 generally), a t-bolt (50, see figure 3, it has a "T" shape) coupled with the pin body such that the support pin can inherently be coupled to a rail by rotating the pin body, and a hole (32), wherein the mounting system further includes a grip equipment (see figure 1, it is equipment that can be gripped) that is attached to the pin body such that the support pin "fully" supports the stage equipment, and a pin (35, generally) disposed through the hole so as to secure the equipment to the support pin, wherein the pin body is constructed of metal (see cross hatching in figure 9), wherein the pin body includes at least two notches (see 38, two notches), wherein the pin body comprises a cavity that includes screw threads (55) complementary to screw threads included on a cylindrical portion of the t-bolt, wherein the t-bolt comprises a head (51), collar (52) and a cylindrical portion (53), wherein the cylindrical portion includes screw threads complementary to screw threads included in a cavity in the pin body.

Claims 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,199,836 to Gogarty.

Gogarty '836 discloses a mounting system (figures 1,13,14, generally) comprising a support pin comprising a pin body (102, generally) and a t-bolt (12,108) to be fastened into a cavity in the pin body and including a head (28), a collar (30) and a cylindrical portion (108 in figure 14), wherein the support pin inherently could be attached to a rail via rotating the pin body, wherein the mounting system includes equipment comprising lighting or grip equipment (98,100, inherently could be used for lighting or for gripping) that is attached to the pin body such that the support pin "fully" supports the stage equipment, wherein the support pin is attachable to a rail by placing the head of the t-bolt into a channel in the rail and rotating the pin body, the rotating causing the cylindrical portion to be drawn into the cavity in the pin body as the head becomes flush with the underside of lips of the channel in the rail while the pin body is secured against the top of the rail.

*Claim Rejections - 35 USC § 103*

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Floe '974 in view of Chatfield '756.

Floe '974 teaches the previous invention failing to specifically teach the connection receiving means to comprise one of metal, plastic or resin. Nevertheless, Chatfield '756 discloses a mounting system wherein a connection receiving means comprises metal as previously described. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the connection receiving means of metal since it is well

known in the art that doing so provides for a sturdy device in addition to the fact that such is a common material in the art.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Floe '974.

Floe '974 teaches the previous invention failing to specifically teach the support extension to have a diameter of approximately 0.625 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the diameter of the support extension of any number of various dimensions, including approximately 0.625 inches, because doing so is considered a design choice and hence not considered patentable since the applicant has not specifically recited in the originally filed specification why such a dimension is critical to the invention or produces any unexpected result. See *In re Kuhle*, 526 F.2d 553, 188, USPQ 7 (CCPA 1975).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chatfield '756.

Chatfield '756 teaches the previous invention failing to specifically teach the pin body to have a diameter of approximately 0.625 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the diameter of the pin body of any number of various dimensions, including approximately 0.625 inches, because doing so is considered a design choice and hence not considered patentable since the applicant has not specifically recited in the originally filed specification why such a dimension is critical to the invention or produces any unexpected result. See *In re Kuhle*, 526 F.2d 553, 188, USPQ 7 (CCPA 1975).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogarty '836 in view of U.S. Patent number 6,712,568 to Snyder et al.

Gogarty '836 teaches the previous invention failing to specifically teach a washer that fits onto the cylindrical portion of the t-bolt and sits between the top of the rail and the pin body when the support pin is attached to the rail so as to enhance the attachment of the support pin to the rail. Regardless, Snyder et al. '568 divulges just such a washer (216, figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a washer on the device of Gogarty '836 that fits onto the cylindrical portion of the t-bolt and sits between the top of the rail and the pin body when the support pin is attached to the rail so as to enhance the attachment of the support pin to the rail so as to provide for a more secure and sound device.

*Allowable Subject Matter*

Claims 12-14 and 16-22 are allowed.

Claims 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the prior art as previously applied against claim 12 failed to specifically teach a mounting system comprising: a support extension comprising a wide groove extending around a circumference of the body, a bolt coupled with the body, the bolt to be coupled to a rail by rotating the body, the bolt intruding into a cavity in the body when the body is rotated, and a hole, wherein the mounting system further comprises a handle of a stage equipment selected from the group comprising a fresnel lamp, an open faced lamp, a scoop lamp, a soft box, a flag, a net, a filter, a screen, and a reflector, wherein the handle is attached to the



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wide groove, wherein the support extension fully supports the stage equipment, and a pin disposed through the hole, wherein the pin is securing the stage equipment to the support extension.

With respect to claims 31 and 32, the prior art as applied against claim 30 failed to further specifically reveal the collar to be a shape that serves as a cam when the pin body is rotated.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403 and (571) 272-6824 after April 7, 2005. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113 and (571) 272-3600 after April 7, 2005.



Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
March 18, 2005